

TOWN COUNCIL

JUNE 2, 1999

7:00 P.M.

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Bush and Councilmembers Cox, Paul and Weiner. Also present were Interim Town Administrator Rawls, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

3. OPEN PUBLIC MEETING

Mayor Venis advised the speakers of the Open Public Meeting procedures.

Tom Truex, 4740 SW 72 Avenue, asked for a status on the land that was to be acquired through the recent \$12 million bond issue. Mr. Rawls advised that staff had been looking at a number of parcels; however, there was a different problem with each parcel. He indicated that staff was pursuing other avenues and asked that he be contacted if the community knew of any available parcels.

Mike Leparage, 11430 NW 33 Street - Sunrise, asked for an update on the status of the car show at Tower Shoppes and indicated that in order to receive a commitment from the vendors, he needed closure on this issue. He stated that he was asking for a letter of consent allowing the car show to continue along with the vendors and the disc jockey in a designated area in the Tower Shoppes. Mr. Rawls explained that he had been unable to contact the resident to the south, Mr. Buckles, who may be out of town and indicated that he would try to contact Ms. Photos. Councilmember Paul questioned if there was a solution until Mr. Buckles returned with Mr. Rawls responding that the Town had suspended code enforcement action until the problems were solved. Councilmember Cox asked Mayor Venis to provide Council with information on the problems that he had received. Police Chief John George indicated that there were not many problems related to the car show and the other problems in the parking lot, which did not relate to the car show, had been taken care of.

Michael Davenport, 14041 SW 22 Place, stated that the Town had taken a number of positive steps and wanted to recognize the following individuals: Mr. Rawls for his promise and integrity, the Chief of Police Selection Committee for its efforts, Councilmembers Cox and Paul for supporting Chief George, Assistant Police Chief Robert McDaniel and Major John Tucker for doing a fantastic job and holding the Police Department together, and the police officers for their support. Administrative Services Director Gail Reinfeld was also recognized for her efforts as the Human Resources Director.

4. PRESENTATIONS

4.1 Kevin Venema, Western High School Senior - Volunteer of the Year

Terri Pezzino presented the Annette Shatzel Memorial Scholarship to Kevin Venema.

4.2 Winn Dixie Shopping Center - Lefmark Florida, Inc.

Neal Kalis introduced representatives from the Lefmark Group, and stated that this group had purchased the Winn Dixie Shopping Center Site which would be redeveloped.

Chief Operating Officer Bob Shapiro stated that the Lefmark Group was a Florida based company and was a developer and redeveloper of shopping centers. Councilmember Paul stated that she felt Mr. Shapiro realized the importance of resident's input and hoped that he would meet with some of them and discuss the project. Mr. Shapiro stated that his company

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was very sensitive to neighborhood support of his projects and he would be happy to meet with the residents.

4.3 Davie/Cooper City Chamber of Commerce

Peter Thompson, representing the Chamber, updated Council on the Chamber's efforts.

4.4 Upcoming Special Events - Bonnie Stafiej and Sharon Pierce-Kent

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: championship wrestling (June 5th); professional bull riding (June 12th); and concert in the park (June 20th).

Sharon Pierce-Kent, Community Services Director, announced that upcoming events included: registration for football and cheerleading programs; tryouts for soccer teams (June 19th); and summer recreational program (June 21st - August 13th).

4.5 Comprehensive Annual Financial Report for Fiscal Year 1998 (tabled from May 19, 1999) (staff requesting a tabling to July 21, 1999)

Mayor Venis stated that item 4.5 was to be tabled.

4.6 Reese Road Update

Mr. Rawls indicated that there was progress on the property transactions. He stated that the closing agreement had been completed and forwarded to Mr. Hunt whose comments were expected early next week. Mr. Rawls stated that the other parcel was not as complex as the Forman parcel, and he was waiting for a drainage easement document from the State of Florida which would be executed with the closing. He stated that a conclusion was close and was optimistic that Mr. Hunt would be favorable to the agreement.

4.7 Appreciation Awards from Boy Scouts - Memorial Day Events

An unidentified gentleman presented the following with awards for their efforts and support during the Memorial Day events: Public Works Department, the Police Department, and Ms. Stafiej. He stated that Councilmembers Cox and Weiner had participated in the parade, and Vice-Mayor Bush was the Parade Marshall.

Mayor Venis announced that item 4.5 needed to be tabled to July 21, 1999.

Councilmember Paul made a motion, seconded by Councilmember Cox, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis announced that item 8.18 had been withdrawn.

5. MAYOR/COUNCILMEMBER COMMENTS

VICE-MAYOR BUSH

MEMORIAL DAY. Vice-Mayor Bush hoped that everyone had a safe Memorial Day weekend and discussed the Boy Scout's events.

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COUNCILMEMBER COX

MEMORIAL DAY. Councilmember Cox stated that she enjoyed the Memorial Day service and the parade held at the arena. She thanked the Boy Scouts for coordinating the events.

HURRICANE CLEANUP. Councilmember Cox announced that the Town's hurricane cleanup for yard trash would be held June 26th - June 27th at the Bergeron Rodeo Grounds and the Flamingo Road and Ivanhoe Fire Stations. She indicated that proof of residency would be required.

YOUTH ADVISORY COMMITTEE. Councilmember Cox appointed Jason Chamberlain and Kiernan McClinton.

COUNCILMEMBER WEINER

HURRICANE CLEANUP. Councilmember Weiner recommended that the residents trees be trimmed and discussed the weekend damage after the storm.

YOUNG AT ART. Councilmember Weiner stated that the Young At Art Museum had a new display called World of Nations and an upcoming display, Hunt for Art. He indicated that a part time weekend manager was needed.

MEMORIAL DAY. Councilmember Weiner discussed the weekend events and recommended that everyone attend next year.

COUNCILMEMBER PAUL

MEMORIAL DAY. Councilmember Paul stated that she was sorry she missed the events and hoped to participate next year.

MEETING. Councilmember Paul reminded everyone of the meeting regarding water and conservation issues and the Everglades Restoration Project on June 3rd at 7:30 p.m.

HORSE SHOW. Councilmember Paul stated that the Project Stable Horse Show would be held June 5th and 6th at Triple Cross.

MAYOR VENIS

MEETING. Mayor Venis announced that the Department of Transportation would be holding a workshop meeting June 16th regarding the plans for the I-75 corridor. He asked Mr. Rawls to contact the various homeowner's association.

THANKS. Mayor Venis thanked the ITTP Technical Institute for allowing him to be the commencement speaker at its graduation ceremony and stated that 47 graduates had received Associate of Science degrees in Electrical Engineering.

CONGRATULATIONS. Mayor Venis stated that the different schools would be holding their graduation ceremonies within the next week and congratulated everyone on graduating.

PROGRAMS. Mayor Venis stated that he and Mr. Rawls had met with the Park City homeowners group and he had given the State of the Town address. He asked that specialized programs at Park City Estates be discussed at the next meeting and that reinstating the smoke detector program in the mobile homes also be discussed.

CAREER DAY. Mayor Venis stated that he had participated in the Flamingo Elementary School Career Day.

BIRTHDAY. Mayor Venis wished his wife, Audrey, a happy birthday.

BIRTHDAY. Councilmember Weiner wished Councilmember Paul a happy birthday.

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6. TOWN ADMINISTRATOR'S COMMENTS

Mr. Rawls had nothing to report to Council.

7. TOWN ATTORNEY'S COMMENTS

UPDATE. Mr. Webber provided an update on: Bar-B Ranch, Orendello, 142nd Avenue, City of Sunrise, 175/185 funds, Coastal Carting, interim service fee, and street vendor.

CITY OF SUNRISE. Mayor Venis stated that he had spoken with representatives from the Public Service Commission and he was in the process of gathering information to submit to the Commission for their study. He stated that Senator Forman wanted the study completed before November.

8. CONSENT AGENDA

Minutes

8.1 April 19, 1999 - Joint Economic Development Steering Committee

Proclamations

8.2 Race Unity Day (June 13, 1999)

8.3 Code Enforcement Officers Appreciation Week (June 21 - 25, 1999)

8.4 Volunteer of the Year (Marquerite Olson)

Resolutions

8.5 **TRAINING - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-99-188 **AUTHORIZING EXTENDED TRAVEL FOR OFFICER DAWN ARNAU OF THE DAVIE POLICE DEPARTMENT. (D.A.R.E. Instructor Training - \$1,123)**

8.6 **AMENDMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-99-189 **AMENDING THE PROJECT LIST FOR CONTRACTUAL MISCELLANEOUS PLANNING SERVICES. (services for housing element - Craig A. Smith & Associates - not to exceed \$2,500)**

8.7 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING**
R-99-190 **THE BID FOR SUPPLY AND INSTALLATION OF CENTRAL A/C AT ORANGE PARK COMMUNITY CENTER. (Thermal Concepts, Inc. - \$18,800)**

8.8 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING**
R-99-191 **THE BID FOR SWIMMING POOL RESURFACING. (Pine Island Park main pool and kiddie pool; Ultimate Pools, Inc. - \$112,416)**

8.9 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING**
R-99-192 **THE BID FOR SUPPLY AND INSTALLATION OF SELECTIVE PLANT MATERIAL. (for various medians throughout the Town; EDJ Lawn Service, Inc. - \$25,673)**

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- 8.10
R-99-193 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR "M" SERIES ZOLL EKG MONITOR/DEFIBRILLATOR/PACER, DEPARTMENT OF VETERANS AFFAIRS CONTRACT NO.V797P-3092J. (Zoll Medical Corporation - \$28,620)**
- 8.11
R-99-194 **PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "WESTPORT BUSINESS PARK, PARCELS A & B PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 4-2-99, northwest corner of Davie Road and Nova Drive)**
- 8.12
R-99-195 **PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A SUBDIVISION PLAT AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 3-1-99, Hidden Cove, 58-5 Davie Road)**
Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report
- 8.13
R-99-196 **COMMERCIAL LOAN SUBSIDY PROGRAM PARTICIPANT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING AMERICAN NATIONAL BANK AS A PARTICIPANT IN THE DAVIE COMMUNITY REDEVELOPMENT AGENCY'S COMMERCIAL LOAN SUBSIDY PROGRAM.**
- 8.14
R-99-197 **LOAN SUBSIDY PROGRAM - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE DAVIE COMMUNITY REDEVELOPMENT AGENCY'S APPROVAL OF COMMERCIAL LOAN SUBSIDY PROGRAM ASSISTANCE TO 54 INC. FOR A REDEVELOPMENT PROJECT. (5397 Orange Drive)**
- 8.15
R-99-198 **LOAN SUBSIDY PROGRAM - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE DAVIE COMMUNITY REDEVELOPMENT AGENCY'S APPROVAL OF COMMERCIAL LOAN SUBSIDY PROGRAM ASSISTANCE TO NORTON CARBIDE TOOL, INC. FOR A REDEVELOPMENT PROJECT. (5775 Orange Drive)**
- 8.16
R-99-199 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR FURNISHING AND INSTALLATION OF CARPET AND VINYL FLOORING, STATE OF FLORIDA CONTRACT NUMBER 360-240-97-1. (Duffy and Lee Company - \$18,677.73)**

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- 8.17 **BILLBOARD CERTIFICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CERTIFYING A BILLBOARD SITE PURSUANT TO SECTION 12-238(J)(9) OF THE TOWN CODE PURSUANT TO THE REQUEST OF THE BOYS AND GIRLS CLUB OF BROWARD COUNTY, INC. AND GOLD COST ADVERTISING; AND PROVIDING AN EFFECTIVE DATE.
- R-99-200
- 8.18 **AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN COUNCIL TO AMEND THE AGREEMENT FOR THE APPOINTMENT OF ROBERT RAWLS AS THE ASSISTANT TOWN ADMINISTRATOR AND PROVIDING AN EFFECTIVE DATE.
- 8.19 **ACTUARIAL IMPACT STATEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING AN ACTUARIAL IMPACT STATEMENT FOR IMPROVEMENTS IN BENEFITS IN THE TOWN OF DAVIE POLICE OFFICERS' PENSION TRUST FUND AND ESTIMATING NO COST TO THE TOWN.
- R-99-201

Mayor Venis asked that items 8.2 and 8.4 be removed from the Consent Agenda for a presentation.

8.2 Vice-Mayor Bush read the proclamation in its entirety and presented the proclamation to Helen Bush. Mrs. Bush introduced Nasrat Scott, Chairperson of the Race Unity Committee, who thanked Council for proclaiming June 13th as Race Unity Day.

8.4 Ms. Pierce-Kent introduced Marquerite Olson who was honored as Volunteer of the Year. Town Clerk Reinfeld read the proclamation in its entirety.

Vice-Mayor Bush made a motion, seconded by Councilmember Weiner, to approve items 8.2 and 8.4. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Councilmember Weiner asked that item 8.17 be removed from the Consent Agenda.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to approve the Consent Agenda without item 8.17 [item 8.18 had previously been withdrawn]. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.17 Councilmember Weiner stated the previous Council had approved the placement of billboards. He indicated that this was the last of the billboard sites that was to be approved.

Councilmember Paul stated that this area was the only area left that did not have a billboard and added that there was very nice landscaping. She did not wish the Boys and Girls Club to lose funding but she had a problem with the billboard at this site.

Councilmember Cox stated that she had not approved any billboard site except for this location because it was in an industrial area. Mayor Venis agreed.

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Councilmember Weiner inquired whether or not the Boys and Girls Club could request another site in a residential neighborhood if this site was not approved. Mr. Webber responded that they could. Councilmember Weiner indicated that that being the case, he wanted to have this location approved as it was in an industrial site.

Councilmember Weiner made a motion, seconded by Vice-Mayor Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - no; Councilmember Weiner - yes. (Motion carried 4-1)

9. PUBLIC COMMENTS

Ordinance - First Reading (Public Hearing to be held June 16, 1999)

9.1 **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT AND B-2, COMMUNITY BUSINESS DISTRICT TO CF, COMMUNITY FACILITY DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 1-1-99, 5000 SW 82 Avenue)**

Mayor Venis advised that a public hearing on item 9.1 would be held on June 16, 1999. Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public comment was closed.

Vice-Mayor Bush made a motion, seconded by Councilmember Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - no; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - no; Councilmember Weiner - no. (Motion failed 2-3) (This item was later reconsidered and approved.)

10. PUBLIC HEARINGS

Ordinance - Second and Final Reading

99-20 10.1 **ORDINANCE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING AND RESTATING ORDINANCE NO. 94-40, CONCERNING THE POLICE OFFICERS' RETIREMENT SYSTEM; PROVIDING FOR EXPANDED PARTICIPATION IN THE DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR AN ACTUARIAL DISPUTES RESOLUTION PROCEDURE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Vice-Mayor Bush made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

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Quasi Judicial Items

10.2 REZONING - ZB 3-3-99, Michele Mellgren & Associates, Inc./Forman, 3000 SW 59 Terrace (from A-3, County to B-2, Town) Planning and Zoning Division recommended approval; Planning and Zoning Board recommended denial

Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Mark Kutney, Development Services Director, advised that his qualifications were on file with the Town and read the planning report.

Councilmember Paul questioned why the Planning and Zoning Board recommended denial which Mr. Kutney explained. Discussion followed on allowable uses.

Vice-Mayor Bush questioned the compatibility between a convenience store and the Eckerds that was nearby. Mr. Kutney indicated that Eckerds offered similar type of service, but offered more service and a wider variety of products than a convenience store.

Councilmember Cox stated that the Town's Code dealt with the issue of fencing, or the placement of a masonry wall between commercial and residential property. She inquired if the petitioner were to use the existing building for minor vehicle repair as they indicated, whether or not they would have to erect a masonry wall to separate the business from the apartment complex. Mr. Kutney responded that a masonry wall would be required.

Michele Mellgren, representing the petitioner, was present. She stated that when this item was submitted to the Planning and Zoning Board, there were three issues that caused some concerns which resulted in the recommendation for denial. Ms. Mellgren stated that one of the issues was raised by Michael Davenport who stated that he had a concern regarding dry cleaning facilities that operated in a manner that caused soil contamination. She stated that Mr. Davenport was asking for assurance that that type of dry cleaning facility would not be constructed in the location.

Ms. Mellgren stated that she had no authority to make a decision on behalf of the property owners, however, she felt that the issues raised could be resolved.

Ms. Mellgren stated that with regard to the dry cleaning facility, she spoke to the property owner who had no problem offering a deed restriction against dry cleaning facilities that operate in a manner that causes soil contamination. She indicated that the issue raised by Chair Greb regarding the fact that because stores of this nature remain open for long hours and could become a hang-out for children and other undesirable elements, Mr. Kutney had indicated that the owner would also offer a deed restriction regarding the hours of operation.

Ms. Mellgren stated that she felt that the motor vehicle repair issue, was the issue that caused the greatest concern to the Planning and Zoning Board. She stated that since the meetings she had spoken with the owner who was again willing to offer a deed restriction to prohibit motor vehicle repair.

Councilmember Cox inquired if the location was to become a vehicle storage area with vehicle repair being done, would Ms. Mellgren agree to a masonry wall being erected. Ms. Mellgren indicated that the Code allowed an option at the discretion of the Site Plan Committee to either consider a masonry wall or another appropriate fencing and landscaping. She stated that if the Site Plan Committee deemed it necessary, a wall would be erected.

Councilmember Paul inquired if the property was being considered for multiple use. She stated that she felt that there were inconsistencies regarding what the property would be used for. Ms. Mellgren stated that there were no plans as to what the property would be used for.

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Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the rezoning. No one spoke.

Mr. Webber stated that the hearing was concluded and Council could deliberate.

Councilmember Cox made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - no; Councilmember Weiner - yes. (Motion carried 4-1)

Councilmember Weiner inquired whether or not it would be appropriate to reconsider a previous item. Mayor Venis responded affirmatively.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to reconsider item 9.1. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - no; Councilmember Weiner - yes. (Motion carried 4-1)

Councilmember Weiner made a motion, seconded by Councilmember Cox, to approve item 9.1 with the right to have discussion.

Councilmember Weiner stated that item 9.1 had been debated previously and he was not completely sold on the proposal. He stated however, that since the applicant was not present and there was no notice, it would create a serious liability problem if Council did not allow this proposal to go to a second reading after Council had voted to rezone and to grant the variance. Councilmember Weiner stated that he felt it appropriate and prudent not to engage the Town Attorney in more litigation, but to have a second reading and allow the applicant to appear and provide testimony.

In a roll call vote, the vote was as follows: Mayor Venis - no; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - no; Councilmember Weiner - yes. (Motion carried 3-2)

- 10.3 REZONING - ZB 4-1-99, Laystrom/75 & 595, Inc., 450 SW 130 Avenue (from B-3 to B-3, to amend the conceptual master plan) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval***

Ms. Mellgren asked that this item be heard later in the meeting until Mr. Laystrom arrived.

- 10.4 REZONING - ZB 4-3-99, Town of Davie/Broward County School Board, 1220 SW 133 Avenue (from A-1 to CF) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval***

Town Clerk Reinfeld swore in the witnesses.

Mr. Kutney, representing the petitioner, read the planning report.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the rezoning. No one spoke.

Neal Kalis, representing Mr. & Mrs. Foster, spoke in opposition and presented pictures of the property. Mrs. Foster described the pictures which Mr. Webber accepted.

Mr. Kalis indicated that his statement was not against the Boys and Girls Club which provided good programs beneficial to many communities. He stated that half of the property was sold to the School Board and had been developed into an active ballfield. Mr. Kalis stated

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that his clients maintained horses on their property and there was never a drainage problem until the adjacent property was filled. He stated that after the fill, whenever there were heavy rains, the Foster's property as well as property to the south became flooded and the School Board property was not.

Mr. Kalis stated that his client's concern was what would the property used for and would there be further compromises to their property. He stated that the School Board had made an attempt to solve the problems and their representative had met with the Fosters and Mr. Rawls, however nothing was ever done. Mr. Kalis stated that he had requested time at the first Planning and Zoning meeting to table the item. He indicated that Mr. Rawls had stated that the problem was not rezoning, but rather site plan and development, and that he would try to schedule a meeting with the School Board representative, which he did.

Mr. Kalis stated that the proposed building was a 20,000 square foot building which looked very commercial and institutional being placed adjacent to his client's property. He stated that if plans moved forward, there would be institutional looking very massive structures adjacent to very expensive estate homes. Mr. Kalis stated that his client felt that this was detrimental to them, they were not aware of previous negotiations, and had not had the type of opportunity that the Town had always given its residents to try and be involved in a process of this nature. He stated that his clients were not against the Boys and Girls Club, but felt that they had the right to protect their property value.

Mr. Kalis stated that during this process, the sign that was required to be posted notifying the rezoning was not on the subject property. Mrs. Foster described to Council the location of the sign. Mr. Kalis stated that the rezoning process was flawed due to the fact that the sign had not been posted in the proper place. Mr. Webber stated that maybe the Town could stipulate as to where the sign was posted. Mr. Kutney presented a sketch, and stated that the sign should have been posted at the extreme northwest corner of the site. He stated that if the sign had been placed in the northwest corner of the site, obstruction from the intervening property would prevent visibility from the road, so the Town staff who had gone to the location posted the sign 200 feet to the north. Mr. Webber inquired if Mr. Kalis had any objection to the sketch presented by Mr. Kutney being accepted as evidence, with Mr. Kalis stating that he had no objection.

Councilmember Cox stated that she was confused about the address and inquired if Mr. Kalis was referring to the vacant five acre property. Mr. Kalis stated that the property was referenced in his letter as it was placed on the agenda, which was an error on the Town's part.

Mr. Kalis indicated that if given a choice, he would ask that Council deny the rezoning, but he felt that what would be in everyone's best interest would be for all the parties to meet and come to a satisfactory resolution.

Mr. Kalis entered a bottle of water into the record which Mr. Webber accepted. Discussion followed. Mr. Kalis also submitted an unsigned letter from a neighboring resident and Mr. Webber questioned the authenticity of the letter and cautioned Council on its acceptance.

Mr. Kutney stated that for the record he wanted to clarify information referenced by Mr. Kalis in his presentation. He stated that Chapter 235 of the Florida Statutes regarding educational facilities, and specifically Chapter 235.26 referenced the Uniform Building Code, which said "all public educational and ancillary plants constructed by a board, except for the Board of Regents, shall conform to the state uniform building code for public educational facilities, constructions and such plants are exempt from all other State, county, district or

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municipal or local building codes." Mr. Kutney stated that what the School Board did on many occasions was to follow the Uniform Building Code and the Town did not have any authority to inspect the building under the South Florida Building Code.

Mr. Webber inquired whether or not the construction on behalf of the Boys and Girls Club would be presented to Council or to the Town for site plan review and approval. Mr. Kutney responded that representatives from the Boys and Girls Club had indicated that through their negotiations with the School Board, they had agreed to allow them to build under the South Florida Building Code. He stated that this would provide the Town with authority to inspect as it would any other structure in the Town. Mr. Webber inquired if the Town or any other governmental authority would inspect the drainage plans to satisfy all containment of water around the property. Mr. Kutney responded affirmatively.

Mayor Venis inquired whether or not the fact that the sign was not placed on the subject property would create any problems for the Town. Mr. Webber responded that it would, and explained that the Florida Statutes had minimum requirements for notice on rezonings. He stated that the Statutes specifically stated that the zoning authority could create additional requirements that could be stricter in nature, but not less restrictive than the Statute. Mr. Webber stated that in this case, the Town had adopted ordinances that required additional notice and customarily case law required that notice requirements on rezoning was jurisdictional and failure to give proper notice meant the rezoning was void. He stated that since it appeared that the the signage was not posted in the proper location in accordance with the ordinance and he had concerns whether Council's action would withstand an attack of challenge.

Mayor Venis inquired whether or not it was the opinion of Mr. Webber that the item be tabled until the next meeting since he had indicated that he had a legal concern. Mr. Webber responded that he did have a legal concern. Councilmember Weiner indicated that he had reviewed Section 166.041 and 166.042 of the Florida Statutes which provided municipalities with more restrictive conditions and Section 12-303A of the Town Code referred to a sign being posted on each perimeter street frontage of the land which was subject to the proposed land use plan amendment not less than 14 days prior to the hearing. He inquired if the sign had been posted in sufficient time before the Planning and Zoning Board meeting. Mr. Kutney indicated that the passage referred to by Councilmember Weiner referred to land use plan amendments rather than rezoning.

Councilmember Cox stated that if the Town did not approve the rezoning, would the School Board and the Boys and Girls Club still be able to build the facility. Mr. Kutney indicated that the existing facilities would remain, but as it related to the Boys and Girls Club, the CF zoning would be needed because the proposed facility was not a permitted use under the A-1 zoning category.

Councilmember Weiner stated that he felt that clarification was needed to the statement read by Mr. Kutney regarding the application of the South Florida Building Code which provided the construction guidelines applicable to the construction of the facility by the School Board. He indicated that Council was not disagreeing with what he read, but the distinction was that the School Board was not exempted from the zoning requirement and the property should be properly zoned for the proposed use. Councilmember Weiner stated that the property was zoned A-1 when purchased, and he did not believe that the School Board

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had received the proper approval to construct an active recreational facility. He stated that the School Board did not need to receive permits for the construction, but they needed proper zoning.

Councilmember Paul inquired about the comment on increased traffic in the loop. Mr. Kutney stated that there was a continuing issue that was being negotiated with the Boys and Girls Club and the School Board. He stated that the plan that Mr. Kalis referred to which would be submitted to the Planning and Zoning Board addressed this satisfactorily to both parties.

Mr. Webber indicated that with regard to the signage, Section 12-306E required that subsequent to the submittal of the application, a sign should be posted by the Town on each perimeter street frontage of the land which was the subject of the petition not less than seven days prior to the hearing of the Planning and Zoning Board. He stated that there was an exception for petitions by the Town on properties exceeding 500 acres, but it appeared that this had to be placed on the perimeter street frontage of the land. Councilmember Paul inquired whether or not the sign was visible, or was it possible that it was placed in a location to be more visible to traffic into the school. Mr. Webber stated that the real issue was that it had to be made clear which property was being referred to, and the purpose of having it on the site was to provide notice to motorists of the land under consideration. He stated that the sign had to be specific as to the location of the property.

Councilmember Weiner inquired if it would be appropriate to table this item until the next Council Meeting. Mr. Webber stated that it would be appropriate to table this item and recommended that the sign be placed in the appropriate location. He added that Council should get a definitive determination as to whether or not this development would again have to be presented before the Town. Mr. Webber stated that that would be the key element in determining if this issue was appropriate for consideration on the rezoning request.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to table to to June 16, 1999. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Councilmembers Weiner, and Cox and Vice-Mayor Bush stated that they had spoken to Mr. Kalis. Councilmember Paul indicated that she had spoken to Mrs. Foster.

Mr. Webber advised that he thought the matter may need to be returned to the Planning and Zoning Board. Councilmember Weiner inquired if Mr. Webber was satisfied that this issue did not comply with the street permit requirement or was he not sure at this point. He stated that if Mr. Webber believed that the requirements were met, then the issue would be presented again before Council rather than being presented to the Planning and Zoning Board. Mr. Webber stated that he would take a closer look to make the determination.

- 10.5 **VARIANCE** - V 3-7-99, Architectural Aluminum Design, Inc./Brandau, 11500 SW 37 Court (R-1) (to reduce the required side setback from 25 feet to 15 feet; to increase the height of an accessory structure from 19 feet to 35 feet; to increase the height of an accessory structure from 12 feet to 35 feet) (tabled from May 19, 1999) *Planning and Zoning Division recommended denial; Planning and Zoning Board recommended denial*

Town Clerk Reinfeld swore in the witnesses. Mr. Kutney read the planning report.

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Dorothy Butterson, representing the petitioner, explained the variance.

Mr. Webber asked if anyone wished to provide testimony in favor of the rezoning.

Lourdes Bonia, representing Rams Engineering, spoke in favor.

Robert Mansour, representing Rams Engineering, spoke in favor.

Tim Chront, representing Architectural Aluminum Design, Inc., spoke in favor.

Mr. Webber asked if anyone wished to provide testimony in opposition to the rezoning.

Dan Barr, 11550 SW 37 Court, spoke in opposition.

Ms. Bonia stated that because the structure would be round, the flow of the breeze would not be obstructed, and if there were any obstruction it would be minimal.

Mr. Webber stated that the hearing was concluded and Council could deliberate.

Councilmember Weiner stated that this proposal was an intriguing architectural structure and he had concerns about allowing something of this magnitude in this district. He stated that the height was greater than what the Town's height restrictions were as well as the fact that this would be higher than the existing principal structure. Councilmember Weiner stated that he was opposed to the proposal.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to deny. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

10.6 VARIANCE - V 4-1-99, Parisi, 6155 SW 55 Court (R-2) (to increase the allowable area from 15% (375 square feet) to 21.6% (540 square feet); to reduce the required side setback from 15 feet to 7 feet; and to reduce the required rear setback from 25 feet to 7 feet) Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval

Town Clerk Reinfeld swore in the witnesses. Gayle Easterling, Planning and Zoning Manager, advised that because of her experience, education and certification, she was qualified as a witness on behalf of the Town. She read the planning report.

An unidentified man, representing the petitioner, requested approval of the variance.

Councilmember Cox questioned if the petitioner had explained the size of the structure to the neighbors with the man responding in the affirmative.

Councilmember Weiner inquired if a variance could be approved conditionally with Mr. Webber responding affirmatively. Councilmember Weiner inquired whether or not the applicant would have a problem with Council giving conditional approval upon his neighbors submitting letters to Council or attending a subsequent meeting confirming that they were not opposed to the size or location of the structure. The applicant responded affirmatively.

Mayor Venis suggested that the applicant go back to the neighbors who had sent letters to Council in the first place. Councilmember Weiner stated that he would rather have staff confirm the neighbors were aware of the size and the location of the setback.

Mr. Webber stated that the hearing was concluded and Council could deliberate.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve subject to staff confirming that the neighbors have no problem with the location or size and height of the accessory structure, and if no response was received from the neighbors within

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seven days, this would be deemed as as a non-objection. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Comprehensive Plan Amendment

10.7 LA (TXT) 99-3A, Amendment to Future Land Use Element Text of the Comprehensive Plan *Planning and Zoning Division recommended approval; Local Planning agency recommended approval*

Mr. Kutney read the planning report.

Councilmember Cox made a motion, seconded by Vice-Mayor Bush to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

10.3 Michelle Mellgren, representing the petitioner, was present.

Mr. Webber asked if anyone wished to provide testimony in favor or in opposition to the rezoning. No one spoke.

Mr. Kutney read the planning report.

Ms. Mellgren stated that the only change to the master plan was one existing and two proposed buildings. She stated that the proposed building on the conceptual master plan pulled the building away from the property on the west and on the south side. Ms. Mellgren stated that the conceptual master plan only indicated the 10 foot buffer on State Road 84 and the property owner would comply with all Code requirements with regard to buffering.

Mr. Webber asked if anyone wished to speak on the rezoning. As no one spoke, the public hearing was closed.

Councilmember Cox stated that her vote on this issue in no way gave an indication as to how she would vote on the variance for the gas pumps.

Vice-Mayor Bush made a motion, seconded Councilmember Weiner, to approve subject to the recommendation of the Department. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner- yes. (Motion carried 5-0)

11. SITE PLANS

11.1 SP 9-7-98, 7-Eleven, Weston Road/Griffin Road, northeast corner of Griffin Road and Weston Road (BP) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report*

Doug Snyder, representing the petitioner, was present. Ms. Easterling read the planning report.

Councilmember Cox made a motion, seconded by Councilmember Paul, to approve subject to the Site Plan Committee's recommendation and the Planning and Zoning Division's recommendation. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

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- 11.2 SP 2-4-99, I-595 Business Center/Sara Plat, 7050 State Road 84 (CC) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report items 1 through 4

Bill Laystrom, representing the petitioner, was present. Ms. Easterling read the planning report.

Mr. Laystrom stated that on the delegation request, he believed the County would state the use was appropriate on both parcels.

Councilmember Weiner stated that he noted that the Site Plan Committee had voted to approve the application without items 5, 6 and 7, and inquired if the applicant had resolved those issues with the Committee. Mr. Laystrom stated that he did not recall, however, he had no problems conforming with those items.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve subject to the Division's recommendations including all the items, 5 thru 7 also. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

- 11.3 SP 3-10-99, Nations Rent, 6580 State Road 84 (M-4) Planning and Zoning Division recommended subject to the planning report; Site Plan Committee recommended approval subject to the planning report addressing the following: (1) that there be a time limitation on the modular unit of 18 months or 30 days after the certificate of occupancy is issued for the main building, whichever comes first; (2) revising the location of the monument sign to the landscape island directly in front of the proposed main building, the height of the sign to be 15 feet at that island location; (3) providing that the modular skirting be white; (4) providing the clarification of the off-site drainage rights; (5) providing that the stop sign had been installed and that the site plan address the location of the stop sign; "fine with number six" [providing minimum 2-1/2' clearance to face of curb at fence gate]; "fine with number seven; however, "7a" should speak to all sodding and irrigation of the right-of-way area which should be done before the certificate of occupancy is issued for the main building, and all the landscaping on State Road 84 and College Avenue perimeters be completed within 60 days after the issuance of the certificate of occupancy on the modular building; and that the petitioner is agreeing to no storage of vehicles on the site until the perimeter landscaping on State Road 84 and College Ave is completed

Larry Peters, the petitioner, was present. Ms. Easterling read the planning report.

Jerry McDonald, representing the petitioner, was also present.

Councilmember Weiner stated that he was unable to vote on this item as one of the employees of Nations Rent was the trustee on a pension board represented by his firm.

Councilmember Cox made a motion, seconded by Councilmember Paul, to approve with the Planning and Zoning Division's and the Site Plan Committee's recommendations with the amendment that the sign could be 25 feet in the center island. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - abstained. (Motion carried 4-0)

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- 11.4 SP 5-2-99, Stor-All, 3700 South University Drive (B-3) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report items 1 through 4*

Bonnie Miskel, representing the petitioner, was present. Ms. Easterling read the planning report.

Councilmember Cox made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

12. APPOINTMENTS

- 12.1 Youth Advisory Board (non-exclusive nominations - 6 voting student members who are concerned with and interested in the park facilities and leisure needs of the youth citizens in the Town and must reside in the Town of Davie. The members shall be comprised of students from grades five through twelve; the Council shall consider the following criteria: a) demonstration of interest in park facilities and leisure needs of the youth citizens in the Town; b) participation in team sports programs; and c) average or above average academic performance at their school; terms expire May 2000)

Vice-Mayor Bush appointed Drew Daniels to the Youth Advisory Board. In a voice vote, all voted in favor.

- 12.2 Site Plan Committee (one appointment - Councilmember Paul; term expires June 2000) (members must be legal residents of the Town and, whenever possible, should be an architect, landscape architect and an urban planner or designer whenever possible)

Councilmember Paul appointed Doug Amos.

- 12.3 Affirmation of the Community Redevelopment Agency's Selection of Chairman and Vice-Chairman (Chair - Neal Kalis; Vice-Chair - Tom Gill)

Councilmember Paul made a motion, seconded by Councilmember Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

13. OLD BUSINESS

- 13.1 Potter Park (Police Athletic League)

Mayor Venis stated that this had been presented to Council previously. He stated that it was estimated that the netting for the ballfield would cost \$12,000.

14. NEW BUSINESS

- 14.1 Review of Surcharge Fees Paid to City of Sunrise by Town of Davie Residents

Mayor Venis stated that he had discussed with Budget and Finance Director Christopher Wallace the amount of revenue collected by the City of Sunrise because it had not

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reduce the 28 percent. Mr. Wallace indicated that the estimated amount collected was \$1,100,000.

14.2 Schedule Special Meeting for Executive Session - Town of Davie vs. City of Sunrise, Case No. 98-018324 (14) - June 16, 1999 at 6:00 p.m.

Mr. Webber indicated that this item was regarding the litigation between the Town and the City of Sunrise and he was requesting that an Executive Session be held on June 16, 1999. Councilmember Weiner stated that he was pleased that an Executive Session would be held regarding this issue as it was very important to residents. He indicated that since a new Town Administrator would begin on July 19, 1999, he asked that this meeting be postponed. Councilmember Weiner stated that he felt this would give Robert Middaugh and Council the benefit of the session. No objections were noted.

15. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 10:58 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk